

REMARKS

The Office action dated as mailed December 5, 2002 addressed claims 4, 5, and 24-36. The drawings were objected to and claims 4, 5, 25, 27 and 29-35 were rejected under 35 USC §112. Claims 4, 5 and 24-35 were rejected under the judicially created doctrine of double patenting.

In response, claims 4, 5, 25, 27 and 29 are amended above claims 4, 5, and 24-36 remain pending in the present application. Attached hereto is an Appendix containing a marked-up version of the changes requested to be made to the claims by the instant amendment.

Drawings

The drawings are stated to be objected to as not including reference no. 119, however, Applicant respectfully submits that reference no. 119 was included with Figure 3 and another copy of this figure is supplied herewith. The previous copy was marked in red and may have appeared to cover up reference no. 119.

The Examiner's Rejection Under 35 USC §112

The Examiner rejects claims 4, 5, 25, 27 and 29-35 under 35 USC §112 as being unclear and claims 4, 5, 25, 27 and 29 have been amended in a manner believed to overcome the rejection thereto.

Th Examiner's Rejection Under the Judicially Created Doctrine of Double Patenting

Claims 4, 5 and 24-35 stand rejected under the judicially created doctrine of double patenting. In response, enclosed is a Terminal Disclaimer referencing U.S. Patent No. 6,367,637, along with a check to cover the fee of \$55.00.

Conclusion

In view of the foregoing, Applicants respectfully request reexamination, reconsideration and allowance of each of pending claims 4, 5 and 24-36.

Respectfully submitted,

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Appendix (amendment to specification and mark d-up claims)

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In the Claims:

Claims 4, 5, 25, 27 and 29 have been amended as follows:

4. (Amended) The couple of claim 24, wherein the coupling device comprises a wall portion defining an aperture that is dimensioned and configured to receive adjoining [end] upstanding posts of each instrument organizer when the [end] upstanding posts of each instrument organizer are disposed in juxtaposition.

5. (Amended) The couple of claim 24, wherein the coupling device comprises a collar including a wall portion having a generally rectangular outer configuration in cross section and defining an aperture having a generally rectangular configuration for receiving two [end] upstanding posts each having a cubical outer configuration.

25. (Amended) The couple of claim 24, wherein the elongated base structure of each instrument organizer is dimensioned and configured to support only one end of [a] the at least one surgical instrument, the elongated base structure also being dimensioned and configured to be mounted on a planar support surface which supports another end of the at least one surgical instrument.

27. (Amended) The couple of claim 24, wherein the elongated base structure and the movable stabilizing structure of each instrument organizer is composed of a lint free foam plastic.

29. (Amended) A couple for coupling a pair of instrument organizers for at least partially supporting surgical instruments each of which comprise:

an elongated base having a uniform, predetermined width and defining a continuous surface extending from a first side surface to an opposing second side surface thereof, the elongated base including two terminal ends;

at least one fixed end post extending from one of said terminal ends of the base; and

at least one movable stabilizing structure including two self-gripping legs extending generally parallel to each other and from a central body, the self-gripping legs having opposing, inwardly facing surfaces spaced-apart a distance substantially equal to the predetermined width of the base of the instrument organizer, the opposing, inwardly facing surfaces of the two self-gripping legs being dimensioned and configured to solely grip the first and second side surfaces of the base of the instrument organizer, respectively, so that the movable stabilizing structure is attachable to the base of the instrument organizer and the central body is held in place by the self-gripping legs for retaining the surgical instruments in an organized and upright state partially on the organizer; and wherein:

the central body of the movable stabilizing structure includes an upwardly extending post comprising a first side surface and a second side surface that each define a plane that extends in a direction that is generally perpendicular to the longitudinal axis of the elongated base when the movable stabilizing structure is mounted to the elongated base;

each self-gripping leg of the movable stabilizing structure including a first side surface and a second side surface each of which defines a plane that also extends in a direction that is generally perpendicular to the longitudinal axis of the elongated base when the movable stabilizing structure is mounted to the elongated base; and

the plane defined by the first side surface of the upwardly extending post and the planes defined by the first side surfaces of the self-gripping legs are generally coplanar and the plane defined by the second side surface of the upwardly extending post and the planes defined by the second side surfaces of the self-gripping legs are generally coplanar;

the couple, comprising:

a coupling device for connecting the pair of instrument organizers together.